

REMARKS TO OFFICE ACTION DATED JULY 28, 2003

This amendment is submitted in response to the outstanding Office Action dated July 28, 2003. The Examiner stated that the reply filed on 5/27/03 was not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Specifically, amendments have been made to the claims without the proper indication of changes. Note, for instance, in lines 4,8 and 8 of marked up claims 1,3 and 4, respectively. Applicant takes this opportunity to thank the Examiner for providing the additional month to correct the informalities.

Applicants outside attorney who prosecuted this case did not notice the Preliminary Amendment that was originally filed and therefore these changes were not incorporated into the claims. In addition, it appears that Applicant's outside attorney also used bracketing instead of crossing out matter that is supposed to be deleted. Applicant herein resubmits the same amendment which was filed on 5/27/03 with the correct changes to the claims. Applicant submits that this new amendment now places the case in condition for allowance.

REMARKS TO OFFICE ACTION DATED FEBRUARY 27, 2003

Formal matters

**Please note:** the specification refers to the claims by claim number. Upon allowance, if the numbering of the claims is changed, the specification will need to be changed also.

The specification previously incorporated by reference a foreign patent document published in German. The specification has been changed to refer to the corresponding U.S. patent number.

The title has been changed to make it more descriptive of the invention.

The abstract has been amended as requested by the Examiner.

Claims 1 and 4 have been amended to correct the objections under section 112. Applicants respectfully submit that the rejections ought better to have been phrased as objections, rather than rejections, because the changes requested were not necessary to an understanding of the claim, but merely relate to claim drafting tradition. Applicants respectfully submit that the scope of the claims has not been changed by the amendments.

The holding of allowable subject matter claim 4 is gratefully acknowledged. Claims 3 and 4 have been amended to incorporate the limitations of claim 1. This should make at least claim 4 allowable. Applicants respectfully submit that

the scope of these claims has not been changed by the amendments.

#### Art rejections

The art rejections are respectfully traversed.

With respect to claim 1, the Examiner has said that reference numeral 23 in Kato indicates a loading mechanism. As far as Applicants can tell, based on the sections referred to by the Examiner, element 23 is described in column eleven, lines 22-26 of Kato. This section indicates that element 23 is a driving mechanism including a turntable. Accordingly the levers 24 and 25 appear to be related to a driving mechanism for spinning the disc, not a load/unload mechanism, i.e. not for transporting the disk. By contrast, Applicants' claim 1 recites at least one movable scanning lever included in a mechanism for loading and unloading the information plate. Applicants respectfully submit that detection mechanisms in a driver that spins an information plate, per Kato, fail to teach or suggest detection mechanisms in a load/unload mechanism per Applicants' claim 1.

With respect to the rejection of claim 3, the combination of Kato and Kawasaki seems far-fetched. Even though both concern a disc reading device, Kawasaki teaches how to determine the


position of the optical head, while Kato relates to position of a disc. Applicants respectfully submit that a person skilled in the art of designing a loading mechanism for an information plate, per claim 3, would not combine these two documents.

Further with respect to claim 3, the Examiner points to the optical position sensor 10b of Kawasaki. This sensor is said, in the portion of Kawasaki pointed to by the Examiner, to be a linear encoder of an optical type in the section referred to by the Examiner. However claim 3 recites "an electronic encoder switch" [emphasis added]. Applicants are unable to find anywhere in Kawasaki where the element 10b is said to operate as a switch.

Accordingly, Applicants respectfully submit that the Examiner has not made a prima facie case against claims 1 and 3.

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

Respectfully submitted,

By 

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#### CERTIFICATE OF MAILING

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On August 20, 2003

By 